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Attorneys for Plaintiff Peter D. Hettinger and PDH Associates, Inc.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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PETER D. HETTINGER AND PDH  
ASSOCIATES, LLC

Plaintiff,

- against -

NOEL KLEINMAN, REID KLEINMAN,  
and ALPHA BEAUTY DISTRIBUTORS,  
INC.,

Defendants.

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Civil Action No. 08-cv-6466(LTS)(HBP)

**SUPPLEMENT TO COMPLAINT  
ADDRESSING SUBJECT MATTER  
JURISDICTION**

Plaintiff Peter D. Hettinger (“Hettinger”) and PDH Associates, LLC, by way of Supplement to the Complaint addressing subject matter jurisdiction pursuant to 28 U.S.C. § 1332, pursuant to the Court’s Order of July 25, 2008, state as follows:

1. Plaintiff Peter D. Hettinger is a citizen of the Commonwealth of Pennsylvania residing at 115 Catalpa Ridge Road, Pittsburgh, Pennsylvania 15238.
2. Plaintiff PDH Associates, LLC is a limited liability company organized and existing under the laws of the Commonwealth of Pennsylvania and is headquartered at 115 Catalpa Ridge Road, Pittsburgh, Pennsylvania 15238. The only member of PDH Associates, LLC is Peter D. Hettinger who, as alleged above, is a citizen of Pennsylvania residing in Pennsylvania. PDH Associates, LLC has no other members.

3. Upon information and belief, Defendant Noel Kleinman is a citizen of the State of New York residing at 345 East 80<sup>th</sup> Street, 21C, New York, New York 10075.

4. Upon information and belief, Defendant Reid Kleinman is a citizen of the State of New York residing at 525 East 82<sup>nd</sup> Street, 12F, New York, New York 10028-7159.

5. Upon information and belief, Defendant Alpha Beauty Distributors, Inc. is a corporation organized and existing under the laws of the State of New Jersey with a principal place of business at 8101 Tonnelle Avenue, North Bergen, New Jersey 07047.

6. This action lies within the diversity jurisdiction of this Court pursuant to 28 U.S.C. §1332 because it is an action between citizens of different states and the amount in controversy exceeds \$75,000.

7. In addition, venue is proper in this Judicial District under 28 U.S.C. 1391(a)(1), (2) and (3) because many of the acts and transactions alleged occurred in substantial part in this District and because the defendants reside in this District and are subject to personal jurisdiction here.

#### CONCLUSION

For the foregoing reasons, and based upon the allegations in the Complaint filed on July 21, 2008, this action is within this Court's subject matter jurisdiction pursuant to 28 U.S.C. § 1332 based upon diversity of citizenship and amount in controversy.

New York, New York  
Dated: July 30, 2008

CONNELL FOLEY LLP

By: /s/ Peter J. Pizzi  
Peter J. Pizzi  
A Member of the Bar of This Court

Attorneys for Plaintiff Peter D. Hettinger and PDH  
Associates, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on July 30, 2008, I caused and original and three (3) copies of Plaintiffs' Supplement to Complaint Addressing Subject Matter Jurisdiction to be delivered, via lawyers service, and filed with the Clerk of the Court. I further certify that the foregoing together with a copy of the Order entered July 25, 2008 and the Initial Conference Order entered July 25, 2008 was sent via United States mail, first class, postage prepaid, to:

Noel Kleinman  
345 East 80<sup>th</sup> Street, 21C  
New York, NY 10075

Reid Kleinman  
525 East 82<sup>nd</sup> Street, 12F  
New York, NY 10028-7159

Alpha Beauty Distributors, Inc.  
8101 Tonnelle Avenue  
North Bergen, NJ 07047

Dated: July 30, 2008

/s/ Peter J. Pizzi

Peter J. Pizzi